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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,831	05/24/2001	Davorin David Hrovat	200-1205 (FGT 1481 PA)	5010

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EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,831

Applicant(s)

HROVAT ET AL.

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/24/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8, 10, 11 and 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "said steering angle" and "said steering sensor". There is insufficient antecedent basis for this limitation in the claim. Claim 10 recites the limitation "the steering angle factor" and "said brake force distribution". There is insufficient antecedent basis for this limitation in the claim. Claim 11 recites the limitation "the steering wheels". There is insufficient antecedent basis for this limitation in the claim. Claim 20 recites the limitation "the steering angle factor" and "said brake force distribution". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clare, et al (6,179,310) in view of Wielenga (6,065,558).

Clare teaches a rollover control system for an automotive vehicle comprising an active suspension having independently adjustable unloading side and a loading side; a controller 77 controlling the active suspension to generate a restoring torque in response to the rollover

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signal. The controller controls the loading side to a loaded condition and controls the unloading side to an unloaded condition to provide the restoring torque.

Clare teaches the claimed invention except for a rollover sensor. Wielenga teaches an anti-rollover brake sensor system comprising a rollover sensor 58 for detecting an imminent rollover of the vehicle. The rollover sensor comprises a speed sensor generating a first signal corresponding to wheel speed of the vehicle. The rollover sensor is selected from the group of a speed sensor, a lateral acceleration sensor, a roll rate sensor, a yaw rate sensor, a longitudinal acceleration sensor, a steering wheel angle sensor, and a pitch rate sensor. Based on the teachings of Wielenga, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Clare to include a rollover sensor to facilitate in preventing a vehicle from a rollover.

Clare teaches the claimed invention except for a brake controller and restoring torque by controlling steered wheels. Wielenga teaches a brake controller 60 wherein the brake controller controls the front brake force and rear brake force in response to a rollover signal wherein the brake force distribution is ultimately controlled. Wielenga also teaches restoring torque by controlling steered wheels. Based on the teachings of Wielenga, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Clare to include a brake controller and to restore torque by controlling steered wheels to facilitate in preventing a vehicle from a rollover.

5. Claims 10, 16 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Clare, et al (6,179,310) in view of Wielenga (6,065,558), and further in view of Miichi, et al (5,438,515).

Clare in view of Wielenga teaches the claimed invention except for restoring torque by changing the steering angle factor. Miichi teaches an alignment control unit and control method for an automotive suspension which restores torque by changing the steering angle factor. Based on the teachings of Clare in view of Wielenga, it would have been obvious to one

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having ordinary skill in the art at the time the invention was made to modify the combination of Clare and Wielenga to restore torque by changing the steering angle factor to improve the straight-line stability when a vehicle is traveling at a high speed.

Allowable Subject Matter

6. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Notice of References Cited list references disclosing some features in common with the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Faye Fleming
Examiner
Art Unit 3616

F. Fleming
6/14/09